REMARKS/ARGUMENTS

Claims 1-27 are currently pending in this application. Claims 1, 12, and 25 are currently amended. Claims 1, 12, 19, and 25 are independent claims. Applicant kindly requests favorable reconsideration of the application in view of the above amendments and the following discussion.

35 USC § 101

Claims 1-18, and 25-27 were rejected under 35 USC § 101 because the claimed invention appeared to be comprised of software only without claiming associated computer hardware required for execution. The preamble of independent claims 1, 12, and 25 have been amended to claim "a computerized method." By claiming that the process of the present invention is executed on a computer (computerized method), claims 1, 12, and 25 satisfy any need there might be to claim hardware associated with the new and useful process of the present invention. Claims 2-11, 13-18, and 24-27 each depend on one of independent claims 1, 12, or 25 and incorporate the claimed hardware amendments associated with the claimed process. The associated hardware is also disclosed in Fig 1. Claims 1-18, and 25-27 are therefore patentable under 35 USC § 101

35 USC § 103

Claims 1-27 were rejected under 35 USC 103(a) as being unpatentable over Judd in view of Kirsch. Claims 1, 12, and 25 were amended to clarify the distinction between search engines and the present invention. The present invention is not a search engine. The present invention, however, interacts with search engines during its operation. Because of this interaction, it is necessary to reference search engines in the claim limitations. A careful review of the claims reveals the distinction between the present invention and search engines.

For example, the amendments to the claims state "wherein search engine systems do not have full access to the secure graphical or audio object" and "wherein search engine systems do not have access to said index information associated with said secure

graphical or audio object." From this language it is clear that a search engine is not "reading index information associated with a secure graphical or audio object." It is also clear that a search engine is not "converting at least a portion of a secure audiovisual object into index information." Instead, the present invention performs these operations. The last limitation of each of the independent claims has always been clear on this distinction by claiming that the process of the present invention transmits processed index information to a search engine. If the process of the present invention were performed by a search engine there would be no need to transmit index information to itself. Thus, the claim language shows that the present invention itself is not a search engine, but that it interacts with a search engine.

The following three tables further illustrate this distinction between the present invention and search engines.

Prior Art Process 1a - A Search Engine indexing un-protected content

Web Server Side	***Search Engine Side***
(1a) Web Server maintains content fully accessible by a Search Engine.	
	← **(2a)** Search Engine requests full access to web content.
(3a) Web Server sends Search Engine the full requested content. →	
	(4a) Search Engine analyzes received content. **(5a)** Search Engine parses content. **(6a)** Search Engine indexes content. **(7a)** Search Engine stores indexed content in Search engine Database for user queries.

Prior Art Process 1b - A Search Engine trying to access secure content.

Web Server Side	***Search Engine Side***
(1b) Web Server maintains secure content not accessible by a Search Engine.	
	← **(2a)** Search Engine requests full access to web content.
(3b) Web Server denies Search Engine the requested content.	

Process of Present Invention

Web Server Side	*Search Engine Side*
(1) Web Server maintains secure content not accessible by a Search Engine.	
	← (2) Search Engine requests full access to web content.
(3) Web sever does not grant full access	
(4) Web Server analyzes secure content.	
(5) Web Server converts secure content into index information.	
(6) Web server structures index information as the requesting search engine would structure the index information.	
(7) Web Server dynamically creates a document using this structured index information.	
(8) Web Server transmits dynamically created document to Search Engine. →	(9) Search Engine can copy indexed information from created document directly to its Search Engine database.

It is possible to tell by the location of the steps in the preceding tables that the present invention operates on the opposite side of the search engine equation. With the present invention, most of the steps are on the web server (left) side of the table. With the prior art, most of the steps are on the right side of the table.

No Suggestion Or Motivation To Combine

This distinction is important to highlight because by understanding this distinction it is clear how there is no motivation to combine the cited references. To establish a *prima facie* case of obviousness, one of the three basic criteria that must be met is "there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings."

The utility of the present invention is that owners of secure audiovisual content—inaccessible by search engines—can make their content discoverable over the Internet. This utility differs from the utility and nature of the two references cited in the Office Action. The first reference cited under § 103 is Judd (US 6,360,215 – filed 11/1998). Judd is a search engine with an additional feature. The purpose of Judd is to counter search engine

spamming (column 1, lines 39-57). Search engine spamming is usually done by a website to have, for example, a pornographic document indexed using a decoy page. In a decoy page, decoy words, such as "Corvette," are embedded in the page using invisible meta tags, or, alternatively, decoy words are presented in white characters on white text. A search engine will use these decoy words to index the document. A search engine processing a query for "Corvette" may present in the search results for "Corvette" the incorrectly indexed pornographic document. Judd helps to resolve this problem by adding tag words to search queries and indexed documents to filter inappropriate material.

The second reference cited under § 103 is Kirsch (US 5,920,854 – issued 07/1999). Kirsch is also a search engine with additional features. Kirsch addresses the issue of scalability in search engine indexing. The problem Kirsch tries to solve is that electronic documents are produced and modified far more rapidly than they can be indexed (column 3, lines 21-45). Kirsch tries to present a solution without losing accuracy and performance. Kirsch teaches indexing single words and phrases, and dynamically integrating new documents into searchable collections (column 4, lines 17-27).

"In determining the propriety of the Patent Office case for obviousness in the first instance, it is necessary to ascertain whether or not the reference teachings would appear to be sufficient for one of ordinary skill in the relevant art having the reference before him to make the proposed substitution, combination, or other modification." MPEP 2143.01. Consider a person of ordinary skill in the art presented with a first reference describing a search engine filter for combating "spamming" of a search index, and then presented with a second reference describing how to couple a linguistic parser and a search engine to make a scalable collection search system. Would these two references sufficiently motivate the person of ordinary skill in the art to solve the entirely separate problem of providing search engine visibility to inaccessible graphical, audio, and audiovisual objects? Based on the teachings of each prior art reference compared to the presently claimed invention, there appears to be no suggestion or motivation to combine the cited prior art references. Thus, there is no *prima facie* case of obviousness under 35 USC § 103. Claims 1-27 are therefore believed to be allowable.

Does Not Teach All Claim Limitations

In addition to the lack of motivation to combine the references, the prior art reference combination does not teach all of the claim limitations of the present invention. To establish a *prima facie* case of obviousness, one of the three basic criteria that must be met is "the prior art reference (or references when combined) must teach or suggest all the claim limitations." The combination of Judd and Kirsch fails to teach many of the claim limitations of the present invention.

Claim12

The Office Action stated that Judd "teaches a method of providing index information for secure graphical or audio objects" and cited the Abstract. The Abstract, however, does not teach "providing" index information but teachings making index information. Additionally, the Abstract fails to disclose secure graphical or audio objects. The Office Action stated that Judd (col. 3, lines 33-45) teaches reading index information that is associated with a secure graphical or audio object. Col.3, lines 33-34, however, mention nothing about secure objects or secure audio objects. The Office Action stated that Judd (col.3, lines 59-67) teaches that the index information is structured for use in an index database of a search engine system. In this reference Judd teaches a search engine constructing an index, but it does not teach having index information "structured for use in an index database of a search engine system."

An important limitation of the present invention is that search engine systems do not have access to the index information associated with a secure graphical or audio object. The Office Action states that Judd teaches this limitation at col.3, lines 21-32, but Judd does not teach what the Office Action stated. Judd teaches that a **user** or **human** is restricted, but does not teach that a search engine is restricted. The search engine taught in Judd always has access to the documents since all of these documents have already been indexed by the search engine. Apart from the plain language, the context of the restriction in Judd is restricting a child from web pages with inappropriate material.

The last limitation of claim 12 is: "transmitting the obfuscated index information to the search engine system, wherein the obfuscated index information is for use in the index database of the search engine system." The Office Action stated that Judd teaches this limitation beginning at col. 16, line 30 of Judd. This section describes the typical operation

of a search engine upon receiving a request from a human, and then describes how the invention of Judd handles the request by filtering certain content using tag words. Judd teaches that a search request or query is transmitted to a search engine, but does not teach transmitting index information to a search engine system, nor anything like what is claimed.

The Office Action cited Kirsch (col.10, lines 8-65, and item 70 in Fig. 3) to teach "obfuscating at least a portion of the index information so that the intelligibility of the index information is reduced." One way that the present invention obfuscates index information is by using a stop list. The stop list used in the present invention maintains a list of substantive words or phrases to be removed from the index information. By removing substantive words, the resulting index information will be more difficult to understand. Kirsh teaches the opposite of this. Kirsch, of course, does not mention "obfuscate" or synonyms of obfuscate. Kirsch teaches using a stop list, but not to obfuscate. Kirsch teaches using a stop list to "improve contextual significance," not to obfuscate. The stop list in Kirsch maintains a list of frequently used words and phrases with no substantive content. These unimportant words are removed to keep the index information efficient and logical. Thus Kirsch actually teaches away from the present invention. Claim 12 is therefore believed to be patentable over the reference combination.

Claims 13-18

Claims 13 -18 depend on claim 12, and incorporate all of the limitations of claim 12. Because independent claim 12 is patentable over the reference combination, claims 13-18 are likewise patentable over the reference combination. Therefore claims 13-18 are believed to be allowable.

Claim 1

The limitations of claim 1 are substantially similar to the limitations of claim 12. The above reasons for claim 12 being allowable over the reference combination are thus applicable for claim 1. Claim 1, therefore, is believed to be allowable over the reference combination.

Claims 2-11

Claims 2 -11 depend on claim 1, and incorporate all of the limitations of claim 1. Because independent claim 1 is patentable over the reference combination, claims 2-11 are likewise patentable over the reference combination. Therefore claims 2-11 are believed to be allowable.

Claim 25

Claim 25 is substantially similar to claim 1 in its first and third limitations. The above reasons for claim 1 being allowable over the reference combination are thus applicable for claim 25. Claim 25 also claims "dynamically generating an electronic document based at least in part upon the contents of the index information." The Office Action states that Kirsch (col.4, lines 17-27) teaches dynamically generating an electronic document based at least in part upon the contents of the index information. Kirsh, however, teaches dynamically integrating new documents—not dynamically generating based on index information that was not created by a search engine. For this and the above listed reasons claim 25 is patentable over the reference combination and believed to be allowable.

Claims 26 & 27

Claims 26 & 27 depend on claim 25, and incorporate all of the limitations of claim 25. Because independent claim 25 is patentable over the reference combination, claims 26 & 27 are likewise patentable over the reference combination. Therefore claims 26 & 27 are believed to be allowable.

Claim 19

Claim 19 is a system claim that is substantially similar to the process of claim 25. The above reasons for claim 25 being allowable over the reference combination are thus applicable for claim 19. Claim 19, therefore, is believed to be allowable over the reference combination.

Claims 20-24

Claims 20-24 depend on claim 19, and incorporate all of the limitations of claim 19. Because independent claim 19 is patentable over the reference combination, claims 20-24

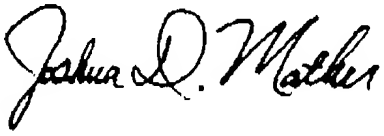
are likewise patentable over the reference combination. Therefore claims 20-24 are believed to be allowable.

Summary

The claims are patentable for two reasons. First, there is no motivation to combine the reference teachings. There is no motivation to combine a search engine content filter with a search engine linguistic parser to produce a process of making secure graphical and audio object visible and secure over a network. Second, the reference combination does not teach all of the claim limitations of the present invention—indeed there are several limitations that the reference combination fails to teach.

For all the reasons advanced above, Applicant respectfully submits that the application is in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully Submitted,



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